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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,037

04/01/2004

Joan Tibor

M160 1010.3

9276

7590

07/26/2005

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EXAMINER

AZARIAN, SEYED H

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,037

Applicant(s)

TIBOR, JOAN

Examiner

Seyed Azarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **RESPONSE TO AMENDMENT**

1. Applicant's amendment filed, 5/11/2005, see page 15 through page 23 of the remarks, With respect to the rejection of claims 1-33 have been Fully considered but they are moot in view of the new ground (s) of rejection is necessitated by applicant's amendment is made in view of Bezy et al (U.S. 5,703,344).

2. Applicant argues in essence regarding claim 1 that Ballard fails to teach "a **real time** electronic transaction verification system".

Contrary to the applicant's assertion, limitations in the "amended claim", the examiner is using the new reference supplied with this action: Bezy et al (U.S. 5,703,344) discloses, (see abstract, also column 1, lines 5-7, the present invention relates to electronic funds handling, more particularly to **real-time verification of funds at the point of transaction**. Further Fig. 1, column 3, lines 10-12, refer to **real-time point of transaction** and conformation).

In response to Applicant's argument regarding claim 1, that Ballard fails to teach "an **electronic transaction for verification system**".

The Examiner disagrees and indicates, Ballard clearly states, see abstract, also column 22, lines 8-17, sending **electronic transaction data for validation and comparing**).

Furthermore, in response to applicant's argument, regarding claim 16 that Ballard does not teach "a **biometric data device selectively transmitting biometric data**".

Contrary to the applicant's assertion, Ballard discloses, (column 6, lines 53-59, and device for capturing other biometric data for additional security. These **devices include facial scans, fingerprints, voiceprints, iris scans, retina scans, and hand geometry**).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 14-21, 24-28 and 30, 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard (U.S. patent 6,032,137) in view of Bezy et al (U.S. 5,703,344).

Regarding claim 1, Ballard discloses an electronic transaction verification system for use at a location where a transaction token is presented by an individual comprising (column 9, lines 24-28, the processor executes the processing of an inbound credit card transaction by performing basic transaction validation that includes checking with issuer database to ensure that the credit card has sufficient credit to allow approval of the transaction);

a transaction information database for storing account information for an authorized user (column 5, lines 12-15, The DPCs (DataTreasury System Processing

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Concentrator) store's customer data at a central location, generates reports from the data and transmits the reports to the customers, also Fig. 1, column 7, lines 38-47, refer to storage 206);

a reading device for reading and transmitting transaction information data to the information database (column 6, lines 38-40, DAT scanner could capture a hand written signature, electronic signature and credit card);

a biometric data device for scanning and transmitting biometric data with the transaction information to the information database (column 6, lines 38-40, also 53-59, DAT card interface retrieves the identification information from the card for subsequent transmission to the destination, also DATs could also include additional devices for capturing biometric data);

wherein the biometric data device selectively transmits biometric data to the biometric database for comparison with the biometric data stored for the authorized user to verify the identity of the individual presenting the transaction token (column 15, lines 9-23, the workstation also performs identification verification by comparing signature data, also comparing biometric data including facial scans, fingerprints, retina scans, iris scans and hand geometry);

wherein the reading device selectively transmits transaction information data to the information database for comparison with account information stored for the authorized user to verify a condition of the account (column 9, lines 24-28, the processor executes the processing of an inbound credit card transaction by performing basic transaction validation that includes checking with issuer database to ensure that

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the credit card has sufficient credit to allow approval of the transaction, also column 11, lines 60, through column 12, line 5, refer to storage system).

However regarding claim 1, Ballard does not explicitly state "a real time electronic transaction verification system". On the other hand Bezy in the same filed of electronic transactions teaches (see abstract, also column 1, lines 5-7, the present invention relates to electronic funds handling, more particularly to real-time verification of funds at the point of transaction. Further Fig. 1, column 3, lines 10-12, refer to real-time point of transaction and conformation).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ballard invention according to the teaching of Bezy because it provides information from the merchant's point of view if the proper procedures are followed by the merchant to reduce fraud, but nevertheless easy and convenient for the consumer to use, which can easily implemented in any electronic transaction verification system to obtained with a high degree of security.

Regarding claim 2, Ballard discloses the system of claim 1 further comprising: a signature scanning device for scanning signature data received with the transaction information (column 5, lines 62-63, the DAT scanner capturing of handwritten signature for identity verification);

a signature database for storing signature data for the authorized user; and wherein the signature scanning device selectively transmits signature data to the signature database for comparison with the signature stored for the authorized user

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(column 15, lines 9-12, the workstation performs verification by comparing signature data captured by the DAT with the signature data stored the DPC).

Regarding claim 3, Ballard discloses the system of claim 1 wherein the transaction token comprises at least one of a check, a substitute check, a credit card, a debit card, a smart card, a promissory note, travelers check, and a food stamp (column 6, lines 37-47, the transaction scanner could capture a variety of debit cards or electronic signature).

Regarding claim 4, Ballard discloses the system of claim 1 wherein the biometric data is any one of a fingerprint scan, retinal scan, an iris scan, a voice print, a hand geometry scan, or a facial scan (column 6, lines 53-57, transaction scanner for capturing other biometric data such as facial scans, fingerprints, voice prints, iris scans).

Regarding claim 5, Ballard discloses the system of claim 3 wherein the transaction information data includes data written in magnetic ink on the check (column 22, lines 8-9, and column 22, lines 24-33, the Data Treasury system captures the check, the system creates an electronic transmission of the check including the checking account number and routing information on the check. Checks routing and account numbers are inherently "written in magnetic ink" or (better known as MICR)).

Regarding claim 6, Ballard discloses the system of claim 3 wherein the transaction information data includes data encoded on the transaction token (column 5, line 64 through column 6, line 2, the DAT scanner also scans Xerox Data Glyph elements, Xerox Data Glyph elements represents information with machine readable data which is encoded into many glyph elements).

Regarding claim 7, Ballard discloses the system of claim 1 wherein the electronic transaction verification system selectively returns a report on customer usages (column 6, line 58 through column 7, line 2, the DAT card interface not only initiates sale and banking transactions it can read transactions initiated elsewhere and reproduce the data for the customer, the DAT card interface also provides support for independent verification of the records maintained by consumers, merchants and bankers).

Regarding claim 8, Ballard discloses the system of claim 1 wherein the biometric data device further selectively encodes recorded biometric data on the transaction token (column 6, lines 53-58 and column 7, lines 41-44, DATs 200 could also included additional devices for capturing other biometric data then is sent to the DAT controller 210 which compresses, encrypts and tags the bitmap image that was scanned).

Regarding claim 9, Ballard discloses the system of claim 8 wherein the recorded biometric data is any one of a fingerprint scan, a retinal scan, an iris scan, a voice print, a hand geometry or a facial scan (column 15, lines 9-23, biometric data is facial scans, fingerprints, retina scans, iris scans and hand geometry).

Regarding claim 10, Ballard discloses the system of claim 1 wherein the reading device and the biometric data device are located remotely from the biometric database and the transaction information database (column 22, lines 8-16, The Data Treasury system captures the check and the biometric data at the payees remote location and performs verification of the check by comparing the remotely captured data with data stored at the central location).



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Regarding claim 15, Ballard discloses the system of claim 14 further including: signature scanning means for scanning signature data received with the transaction information (column 5, lines 62-63, the DAT scanner capturing of handwritten signature for identity verification);

a signature database for storing signature data for the authorized user; and wherein the signature scanning means selectively transmits signature data to the signature database for comparison with the signature stored for the authorized user (column 15, lines 9-12, the workstation performs verification by comparing signature data captured by the DAT with the signature data stored the DPC).

Regarding claim 16, Ballard discloses the system of claim 14 wherein the transaction token comprises at least one of a check, a substitute check, a credit card, a debit card, a smart card, a promissory note, a travelers check and a food stamp (column 15, lines 9-23, biometric data is facial scans, fingerprints, retina scans, iris scans and hand geometry).

Regarding claim 26, Ballard discloses the method of claim 24 further including the step of encoding the biometric data on the transaction token (column 5, lines 64-67 and column 6, lines 1-2, the DAT scanner also scans Xerox Data Glyph elements, Xerox Data Glyph elements represents information with machine readable data which is encoded into many glyph elements).

Regarding claim 27, Ballard discloses the method of claim 24 further including the step of transmitting data indicative of whether the person is authorized to use the account to the location where the transaction information and biometric data are

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obtained (column 22, lines 38-40, the Data Treasury system notifies the payee bank and the remote locations as to the status of the transfer).

Regarding claim 31, Ballard discloses the electronic transaction verification system for use with a transaction token processing system of claim 28 wherein the biometric data device digitizes a representation of the biometric data received with the transaction information and encodes the digitized biometric data directly on the transaction token (column 5, lines 52-63, refer to digital bitmap image representation).

Regarding claim 11, arguments analogous to those presented for claim 10 are applicable.

Regarding claims 14, 24 and 28, arguments analogous to those presented for claim 1 are applicable.

Regarding claims 17-18 and 30, arguments analogous to those presented for claims 5 and 6 are applicable.

Regarding claims 19-21, arguments analogous to those presented for claims 7-9 are applicable.

Regarding claims 25 and 33, arguments analogous to those presented for claim 2 are applicable.

5. Claims 12-13, 22-23, 29 and 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard (U.S. patent 6,032,137) in view of Bezy et al (U.S. 5,703,344) as applied to claims above and further in view of Hoffman et al (U.S. patent 5,613,012).

However regarding claims 12 and 13, neither Ballard nor Bezy explicitly state "additional biometric database for storing data and determining of invalid user". On the

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other hand Hoffman in the same filed of electronic transactions teaches; individual personal identification numbers, financial asset accounts and biometric data are added to the system during the individual enrollment process. Individuals may be removed from database due to fraudulent activity and their information moved to the Prior Fraud Database (column 69, line 54 through column 70, line 4).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ballard and Bezy invention according to the teaching of Hoffman because it provides problems inherent in the token and code security system that is highly fraud resistant, but nevertheless easy and convenient for the consumer to use, which can easily implemented in any electronic transaction verification system to obtained with a high degree of security).

Regarding claims 22-23, 29 and 32, arguments analogous to those presented for claims 12 and 13 are applicable.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian

Patent Examiner

Group Art Unit 2625

July 20,2005



**DANIEL MIRIAM**  
**PRIMARY EXAMINER**